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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CYDE MARIE ESTES,

Plaintiff,

v.

PROVIDENCE HEALTH & SERVICES
– WASHINGTON, d/b/a PROVIDENCE
ST. MARY MEDICAL CENTER, and
d/b/a PROVIDENCE MEDICAL
GROUP SOUTHEAST WASHINGTON
NEUROSURGERY, and JASON A.
DREYER, D.O. and JANE DOE
DREYER, husband and wife and the
marital community thereof,

Defendants.

Case No. 4:21-cv-05042-TOR

DEFENDANTS DR. JASON
DREYER AND JANE DOE
DREYER'S ANSWER TO
PLAINTIFF'S COMPLAINT &
AFFIRMATIVE DEFENSES

COME NOW the Defendants Jason A. Dreyer, D.O., and Jane Doe Dreyer,
and answer Plaintiff's Complaint as follows:

DEFENDANT DREYER'S ANSWER TO
PLAINTIFF'S COMPLAINT - 1
S2230459.DOCX

 WITHERSPOON·KELLEY
Attorneys & Counselors

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I. INTRODUCTION

1.1 Dr. Dreyer denies that he performed an "unnecessary and negligent surgery" on Plaintiff on March 21, 2018. Dr. Dreyer lacks sufficient information to form an opinion or belief about the truth or falsity of the remainder of the allegations in Paragraph 1.1, and therefore denies the same.

II. PARTIES

2.1 Defendant Dr. Dreyer incorporates all previous paragraphs as if fully restated herein.

2.2 Dr. Dreyer lacks sufficient information to form an opinion or belief about the truth or falsity of the allegations in Paragraph 2.2, and therefore denies the same.

2.3 The allegations in Paragraph 2.3 apply to a defendant other than Dr. Dreyer; as a result, Dr. Dreyer lacks sufficient information to form an opinion or belief about the truth or falsity of the remainder of the allegations in Paragraph 2.3, and therefore denies the same.

2.4 The allegations in Paragraph 2.4 apply to a defendant other than Dr. Dreyer; as a result, Dr. Dreyer lacks sufficient information to form an opinion or belief about the truth or falsity of the remainder of the allegations in Paragraph 2.4, and therefore denies the same.

1 2.5 Admit that Dr. Dreyer is an osteopathic physician and surgeon
2 licensed to practice in the state of Washington. Admit that Dr. Dreyer specializes
3 in neurosurgery. Admit that Dr. Dreyer provided medical and surgical care to
4 Plaintiff. Admit that Dr. Dreyer received compensation for the medical services
5 he provided, to Plaintiff and other patients. Admit that Dr. Dreyer is married, and
6 that Dr. Dreyer and his wife are residents of the state of Washington. Unless
7 specifically admitted, the remainder of the allegations in Paragraph 2.5 are
8 denied.
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III. JURISDICTION/VENUE

3.1 Defendant Dreyer incorporates all previous paragraphs as if fully restated herein.

3.2 Paragraph 3.2 consists solely of legal conclusions to which no answer is required. To the extent an answer is required, Dr. Dreyer denies the allegations in Paragraph 3.2.

3.3 Dr. Dreyer denies that any act or omission of his own care and treatment of the Plaintiff would support a cause of action against him. Dr. Dreyer admits that he is a resident of Spokane, Washington. Unless specifically admitted, all other allegations of Paragraph 3.3 are denied.

IV. FACTS

4.1 Defendant Dreyer incorporates all previous paragraphs as if fully restated herein.

4.2 Deny that Plaintiff first saw Dr. Dreyer in the fall of 2017 as being inconsistent with the medical records in this case. Deny that Dr. Dreyer, at his initial appointment with the Plaintiff in August 2016, recommended the "extensive surgery" stated in Paragraph 4.2. Admit that Plaintiff was ultimately scheduled for surgery with Dr. Dreyer, and that surgery was planned for March 21, 2018. Dr. Dreyer is without sufficient information to form an opinion or belief about the truth or falsity of the remainder of the allegations in Paragraph 4.2, and therefore denies the same. If the allegations are consistent with Plaintiff's past medical history, Dr. Dreyer has no reason to deny Plaintiff's past medical conditions.

4.3 Admit that Dr. Dreyer performed surgery on the Plaintiff on March 21, 2018, and that the steps identified and numbered as 1-9 generally describe the interventions performed. Dr. Dreyer is not directly involved in the billing process to Plaintiff and her health insurance companies, so lacks sufficient information to form an opinion or belief about the truth or falsity of the allegations in Paragraph 4.3 as they pertain to billing, and therefore denies the

1 same. If the allegations are consistent with the medical and/or billing records,
2 Dr. Dreyer has no reason to deny Plaintiff's allegation regarding medical billing.
3

4 4.4 Admit that Dr. Dreyer used anterior, lateral and posterior approaches
5 to access the Plaintiff's operative sites. Admit that Dr. Frederick Field was
6 identified in Plaintiff's medical records as the co-surgeon for the anterior portion
7 of the procedure. Dr. Dreyer has no independent recall of the length of the
8 surgery and therefore lacks sufficient information to form an opinion or belief
9 about the truth or falsity of the allegations regarding a 9 hour procedure, and
10 therefore denies the same. If the allegation is consistent with the medical
11 records, Dr. Dreyer has no reason to deny Plaintiff's allegation regarding the
12 length of the procedure.

13 4.5 Deny to the extent the allegation is inconsistent with Plaintiff's
14 medical records, admit to the extent the allegation is consistent with Plaintiff's
15 medical records.

16 4.6 Deny that Dr. Dreyer ever billed the Plaintiff and her medical
17 insurance companies for procedures that were not actually performed on
18 Plaintiff's spine. Dr. Dreyer lacks sufficient information to form an opinion or
19 belief about the truth or falsity of the allegations regarding the amounts billed or
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1 the billing procedures involved with his March 21, 2018, surgery, and therefore
2 denies the same.
3

4 4.7 Deny.
5

6 4.8 Deny.
7

8 4.9 Dr. Dreyer lacks sufficient information to form an opinion or belief
9 about the truth or falsity of the allegations in Paragraph 4.9, and therefore denies
10 the same.

11 4.10 Admit that, on March 21, 2018, and at all times that he saw Plaintiff
12 as a patient, Dr. Dreyer was employed by Providence. Dr. Dreyer denies that any
13 of his care and treatment of the Plaintiff was negligent. The remainder of the
14 allegations in Paragraph 4.10 pertain to a co-defendant and/or consist solely of
15 legal conclusions to which no answer is required; to the extent an answer is
16 required, Dr. Dreyer denies the remainder of the allegations in Paragraph 4.10.
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18

19 4.11 Deny.
20

21 **V. CAUSE OF ACTION FOR NEGLIGENCE VS PROVIDENCE**
22 **HEALTH & SERVICES-WASHINGTON, d/b/a PROVIDENCE ST. MARY**
23 **MEDICAL CENTER, and d/b/a/ PROVIDENCE MEDICAL GROUP**
24 **SOUTHEAST WASHINGTON NEUROSURGERY (DEFENDANT**
25 **PROVIDENCE)**

26 5.1 Defendant Dreyer incorporates all previous paragraphs as if fully
27 restated herein.
28

1 5.2 The allegations in Paragraph 5.2 pertain to a defendant other than
2 Dr. Dreyer, and therefore no response is required from Dr. Dreyer. To the extent
3 an answer is required, Dr. Dreyer lacks sufficient information to form an opinion
4 or belief about the allegations contained in Paragraph 5.2, and therefore denies
5 the same.
6

7 5.3 The allegations in Paragraph 5.3 pertain to a defendant other than
8 Dr. Dreyer, and therefore no response is required from Dr. Dreyer. To the extent
9 an answer is required, Dr. Dreyer lacks sufficient information to form an opinion
10 or belief about the truth or falsity of the allegations contained in Paragraph 5.3,
11 and therefore denies the same.
12

13 5.4 The allegations of Paragraph 5.4, and subsections 5.4.1 through
14 5.4.8, pertain to a defendant other than Dr. Dreyer, and therefore no response is
15 required from Dr. Dreyer. To the extent an answer is required, Dr. Dreyer lacks
16 sufficient information to form an opinion or belief about the truth or falsity of the
17 allegations contained in Paragraph 5.4, and subsections 5.4.1 through 5.4.8, and
18 therefore denies the same.
19

20 5.4.1 Deny.
21

22 5.4.2 Deny
23

24 5.4.3 Deny
25

1 5.4.4 Deny that Dr. Dreyer ever performed a medically unnecessary
2 or excessive neurosurgical procedure, or used unnecessary instrumentation or
3 medical hardware in a surgical case.

5 5.4.5 Deny that Dr. Dreyer caused "other patient injuries" in
6 connection with neurosurgical procedures.
7

8 5.4.6 Deny.
9

10 5.4.7 Deny.
11

12 5.4.8 Deny that Dr. Dreyer ever provided surgical care that was not
13 medically necessary or that Dr. Dreyer provided surgical care for the purpose of
14 earning excessive profit.
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16 5.5 The allegations in Paragraph 5.5 pertain to a defendant other than
17 Dr. Dreyer, and therefore no response is required from Dr. Dreyer. To the extent
18 an answer is required, Dr. Dreyer lacks sufficient information to form an opinion
19 or belief about the truth or falsity of the allegations contained in Paragraph 5.5,
20 and therefore denies the same.
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22 5.6 The allegations of Paragraph 5.6, and subsections 5.6.1 through
23 5.6.5, pertain to a defendant other than Dr. Dreyer, and therefore no response is
24 required from Dr. Dreyer. To the extent an answer is required, Dr. Dreyer lacks
25 sufficient information to form an opinion or belief about the truth or falsity of the
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1 allegations contained in Paragraph 5.6, and subsections 5.6.1 through 5.6.5, and
2 therefore denies the same.
3

4 5.6.1 Deny.
5

6 5.6.2 Deny.
7

8 5.6.3 Deny.
9

10 5.6.4 Deny.
11

12 5.6.5 Deny.
13

14 5.7 The allegations in Paragraph 5.7 pertain to a defendant other than
15 Dr. Dreyer, and therefore no response is required from Dr. Dreyer. To the extent
16 an answer is required, Dr. Dreyer lacks sufficient information to form an opinion
17 or belief about the truth or falsity of the allegations contained in Paragraph 5.7,
18 and therefore denies the same.

19 **VI. CAUSE OF ACTION FOR NEGLIGENCE VS JASON A.
DREYER, D.O.**

20 6.1 Defendant Dreyer incorporates all preceding paragraphs as if fully
21 restated herein.
22

23 6.2 Paragraph 6.2 consists solely of legal conclusions to which no
24 answer is required. To the extent an answer is required, Dr. Dreyer states that he
25 complied with his duty of care in providing medical and surgical care to the
26 Plaintiff.
27

6.3 Deny.

6.3.1 Deny.

6.3.2 Deny.

6.3.3 Deny.

6.3.4 Deny.

6.3.5 Deny.

6.4 Deny.

6.5 Deny.

VII. ACTING IN CONCERT

7.1 Defendant Dreyer incorporates all preceding paragraphs as if fully restated herein.

7.2 Paragraph 7.2 consists solely of legal conclusions to which no answer is required. To the extent an answer is required, Dr. Dreyer denies the allegations in Paragraph 7.2.

VIII. PRAYER FOR RELIEF

8.1 Defendant Dreyer incorporates all preceding paragraphs as if fully restated herein.

8.2 Dr. Dreyer denies that Plaintiff is entitled to any relief whatsoever against him or his marital community in this action, either as prayed for in the

Complaint or otherwise. Except as expressly admitted above, Dr. Dreyer denies each and every allegation contained in the Complaint.

8.2.1 Deny.

8.2.2 Deny.

8.2.3 Deny.

8.2.4 Deny.

8.2.5 Deny.

8.2.6 Deny.

8.3 Paragraph 8.3 consists solely of a legal conclusion to which no answer is required. To the extent an answer is required, Dr. Dreyer denies the allegations in Paragraph 8.3.

IX. AFFIRMATIVE DEFENSES

9.1 Lack of subject matter jurisdiction.

9.2 Plaintiff's complaint fails to state a claim upon which relief can be granted.

9.3 Plaintiff's injuries or damages, if any, were the result of intervening and/or superseding causes or conditions for which Dr Dreyer is not responsible or legally liable.

1 9.4 Plaintiff has potentially failed to mitigate her claimed damages, if
2 any.
3

4 9.5 If Plaintiff sustained any damage or injury as alleged in the
5 complaint, the same was due to no negligence on the part of Dr. Dreyer but rather
6 was the result of some cause over which Dr. Dreyer had no control.
7

8 9.6 As to certain injuries and damages alleged by Plaintiff herein, the
9 same were the result of a pre-existing condition or conditions.
10

11 9.7 If Plaintiff's alleged damages are found to be the result of one or
12 more individuals or entities, the total fault should be apportioned to the person(s)
13 or entity(ies) whether or not a party to this litigation, in accordance with
14 provisions of RCW 4.22.070.
15

16 9.8 This Defendant is entitled to an offset for payments made by
17 insurance carriers, government agencies, and any other entity that has paid for
18 medical expenses incurred.
19

20 9.9 Dr. Dreyer reserves the right to amend his Answer to include any
21 other defenses or affirmative defenses that may be revealed through discovery
22 and investigation in this matter.
23

1 **X. PRAYER FOR RELIEF**
2

3 Wherefore, having answered Plaintiff's Complaint and alleged affirmative
4 defenses, Defendants Jason Dreyer, D.O., and Jane Doe Dreyer pray for
5 judgment as follows:

6 1. That Plaintiff's Complaint and all claims against Dr. Dreyer and Jane
7 Doe Dreyer therein be dismissed with prejudice.

8 2. For attorneys' fees and costs.

9 3. For such other and further relief as the Court

10 Respectfully submitted this 18th day of June, 2021.
11

12 WITHERSPOON KELLEY
13

14 By: s/ Steven J. Dixson
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17 Steven J. Dixson, WSBA #38101
18 sjd@witherspoonkelley.com
19 Attorney for Defendants Dreyer
20

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 18, 2021, I electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send
4 notification of such filing to the following:
5

6 Robert Beatty-Walters
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